

AMENDED IN SENATE MAY 26, 2009

AMENDED IN SENATE APRIL 14, 2009

**SENATE BILL**

**No. 165**

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**Introduced by Senator Lowenthal**

February 14, 2009

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An act to amend Section 14528.55 of the Government Code, to amend Section 44126 of the Health and Safety Code, and to amend Sections 12810.3 and 21800 of the Vehicle Code, relating to ~~transportation vehicles~~.

LEGISLATIVE COUNSEL'S DIGEST

SB 165, as amended, Lowenthal. ~~Transportation-Vehicles.~~

~~Existing law authorizes a city or county, in which a planned state transportation facility was to be located on a specified portion of State Highway Route 84, to develop and file with the California Transportation Commission a local alternative transportation improvement program that addresses transportation problems and opportunities, and provides for the use of revenues from the sales of excess properties acquired for the planned state transportation facility in order to fund the program, but limits the use of revenues from excess property sales to state highway purposes and certain projects in the program.~~

~~This bill would specify that the excess properties are nonresidential properties.~~

Existing law creates *the High Polluter Repair or Removal Account in the Vehicle Inspection and Repair Fund* and creates the Enhanced Fleet Modernization Subaccount in the High Polluter Removal and Repair Account.

This bill would correct the name of ~~the~~ *that account to refer to the High Polluter Repair or Removal Account.*

This bill would also make technical, nonsubstantive changes to the Vehicle Code.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 14528.55 of the Government Code is~~  
2     ~~amended to read:~~  
3     ~~14528.55. (a) To resolve local transportation problems~~  
4     ~~resulting from the infeasibility of planned state transportation~~  
5     ~~facilities on State Highway Route 84 in the Cities of Fremont and~~  
6     ~~Union City, the cities or the county in which the planned facilities~~  
7     ~~were to be located, acting jointly with the transportation planning~~  
8     ~~agency having jurisdiction over the cities or county, may develop~~  
9     ~~and file with the commission a local alternative transportation~~  
10    ~~improvement program that addresses transportation problems and~~  
11    ~~opportunities in the county that were to be served by the planned~~  
12    ~~facilities. Priorities for funding in the local alternative program~~  
13    ~~shall go to projects in the local voter-approved transportation sales~~  
14    ~~tax measure.~~  
15    ~~(b) The commission shall have the final authority regarding the~~  
16    ~~content and approval of the local alternative transportation~~  
17    ~~improvement program. The commission shall not approve any~~  
18    ~~local alternative transportation improvement program submitted~~  
19    ~~under this section after July 1, 2010.~~  
20    ~~(c) All proceeds from the sale of the excess nonresidential~~  
21    ~~properties, less any reimbursements due to the federal government~~  
22    ~~and all costs incurred in the sale of those excess nonresidential~~  
23    ~~properties, shall be allocated by the commission to fund the~~  
24    ~~approved local alternative transportation improvement program~~  
25    ~~and shall not be subject to Sections 188 and 188.8 of the Streets~~  
26    ~~and Highways Code. The proceeds shall be used only for state~~  
27    ~~highway purposes or for projects in the local alternative~~  
28    ~~transportation improvement program that are also in the local~~  
29    ~~voter-approved transportation sales tax measure, subject to approval~~  
30    ~~by the department.~~

1 ~~(d) This section does not apply to those highways that are in~~  
2 ~~the National System of Interstate and Defense Highways.~~

3 ~~(e) This section only applies to State Highway Route 84.~~

4 ~~(f) Section 14528.8 does not apply to projects undertaken~~  
5 ~~pursuant to this section.~~

6 ~~SEC. 2.~~

7 *SECTION 1.* Section 44126 of the Health and Safety Code is  
8 amended to read:

9 44126. The Enhanced Fleet Modernization Subaccount is  
10 hereby created in the High Polluter Repair or Removal Account.  
11 All moneys deposited in the subaccount shall be available to the  
12 department and the BAR, upon appropriation by the Legislature,  
13 to establish and implement the program created pursuant to this  
14 article.

15 ~~SEC. 3.~~

16 *SEC. 2.* Section 12810.3 of the Vehicle Code is amended to  
17 read:

18 12810.3. Notwithstanding subdivision (f) of Section 12810, a  
19 violation point shall not be given for a conviction of a violation  
20 of subdivision (a) of Section 23123, subdivision (a) of Section  
21 23123.5, or subdivision (b) of Section 23124.

22 ~~SEC. 4.~~

23 *SEC. 3.* Section 21800 of the Vehicle Code is amended to read:

24 21800. (a) The driver of a vehicle approaching an intersection  
25 shall yield the right-of-way to any vehicle which has entered the  
26 intersection from a different highway.

27 (b) (1) When two vehicles enter an intersection from different  
28 highways at the same time, the driver of the vehicle on the left  
29 shall yield the right-of-way to the vehicle on his or her immediate  
30 right, except that the driver of any vehicle on a terminating highway  
31 shall yield the right-of-way to any vehicle on the intersecting  
32 continuing highway.

33 (2) For the purposes of this section, “terminating highway”  
34 means a highway which intersects, but does not continue beyond  
35 the intersection, with another highway which does continue beyond  
36 the intersection.

37 (c) When two vehicles enter an intersection from different  
38 highways at the same time and the intersection is controlled from  
39 all directions by stop signs, the driver of the vehicle on the left

1 shall yield the right-of-way to the vehicle on his or her immediate  
2 right.

3 (d) (1) The driver of any vehicle approaching an intersection  
4 which has official traffic control signals that are inoperative shall  
5 stop at the intersection, and may proceed with caution when it is  
6 safe to do so.

7 (2) When two vehicles enter an intersection from different  
8 highways at the same time, and the official traffic control signals  
9 for the intersection are inoperative, the driver of the vehicle on the  
10 left shall yield the right-of-way to the vehicle on his or her  
11 immediate right, except that the driver of any vehicle on a  
12 terminating highway shall yield the right-of-way to any vehicle  
13 on the intersecting continuing highway.

14 (e) This section does not apply to any of the following:

15 (1) Any intersection controlled by an official traffic control  
16 signal or yield right-of-way sign.

17 (2) Any intersection controlled by stop signs from less than all  
18 directions.

19 (3) When vehicles are approaching each other from opposite  
20 directions and the driver of one of the vehicles intends to make,  
21 or is making, a left turn.